

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	Criminal No. 2006-80
GELEAN MARK,)	
VERNON FAGAN,)	
WALTER ELLS,)	
DORIAN SWAN,)	
KELVIN MOSES, and)	
HENRY FREEMAN,)	
)	
Defendants.)	
_____)	

ATTORNEYS:

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For the Plaintiff,

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For defendant Walter Ells,

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For defendant Dorian Swan,

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For defendant Kelvin Moses,

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For defendant Henry Freeman.

ORDER

GÓMEZ, C.J.

Before the Court is the motion of defendant Walter Ells ("Ells") for reconsideration of this Court's December 14, 2007, order granting the government leave to file its opposition to Ells' motion for a judgment of acquittal out of time.

Motions for reconsideration are governed by Local Rule of Civil Procedure 7.4, which provides:

A party may file a motion asking a judge or magistrate judge to reconsider an order or decision made by that judge or magistrate judge. Such motion shall be filed within ten (10) days after the entry of the order or decision unless the time is extended by the court. . . . A motion to reconsider shall be based on: (1) intervening change in controlling law; (2) availability of new evidence, or; (3) the need to correct clear error or prevent manifest injustice.

LRCi 7.4 (2000). The purpose of a motion for reconsideration "is to correct manifest errors of law or fact or to present newly discovered evidence." *Harsco Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985). Such motions are not substitutes for appeals, and are not to be used as "a vehicle for registering disagreement with the court's initial decision, for rearguing

matters already addressed by the court, or for raising arguments that could have been raised before but were not." *Bostic v. AT&T of the V.I.*, 312 F. Supp. 2d 731, 733, 45 V.I. 553 (D.V.I. 2004).

In support of his motion for reconsideration, Ells argues that he did not have a reasonable time to respond to the government's December 11, 2007, motion for leave to file its opposition to Ells' motion for judgment of acquittal before the Court granted the motion on December 14, 2007. However, the Court need not wait until an opposition is filed before ruling on the underlying motion. See LRCi 7.1 (2006) ("Nothing herein shall prohibit a district judge . . . from ruling without a response or reply when deemed appropriate."). Ells has not shown any intervening change in controlling law, nor has he demonstrated that any new evidence has arisen. No errors have been asserted. Mere disagreement with the Court's ruling is also not a valid basis for a motion for reconsideration.

Accordingly, it is hereby

ORDERED that Ells' motion for reconsideration is **DENIED**.

Dated: December 18, 2007

S_____
CURTIS V. GÓMEZ
Chief Judge

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Copy:

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